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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,021	01/30/2001	Horst Bayer	01 P 7440 US	5515

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Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

TARAE, CATHERINE MICHELLE

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,021

Applicant(s)

BAYER ET AL.

Examiner

C. Michelle Tarae

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Final Office Action in response to the communication received on October 20, 2005. Claims 1, 12 and 18-20 have been amended. Claims 1-9 and 11-20 are now pending in this application.

Response to Amendment

2. Applicant's amendments to claims 1, 12 and 18-20 are acknowledged.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-7, 11-13, 15 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Zompa et al. (U.S. 6,937,991).

As per claims 1, 12 and 18-20, Zompa et al. discloses a method, apparatus and machine-readable medium having stored thereon data representing sequences of instructions, said sequences of instructions executed by a processor, for aggregating feedback, comprising:

receiving a first set of travel information including information identifying a traveler, an itinerary of said traveler, and at least one travel service provider scheduled to provide services

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to said traveler (col. 2, lines 53-56; col. 4, lines 58-61; The system employs "Travel Notification Messages," which identify the traveler by name, the destination and the dates of travel.);

automatically generating after completion of travel associated with said itinerary, by a processor, a feedback request based on said itinerary and requesting specific feedback regarding said at least one travel service provider (col. 5, lines 39-49; After a traveler has completed his/her travel, a feedback request is sent to him/her requesting feedback about the travel services received.);

transmitting said feedback request to said traveler (col. 5, lines 39-60; After a traveler has completed his/her travel, a feedback request is sent to him/her requesting feedback about the travel services received.);

receiving feedback information from said traveler (col. 5, lines 43-49; The traveler submits the feedback either by replying to the email, or answering a questionnaire or survey.); and

analyzing said feedback information received from said traveler by said processor (col. 5, lines 47-49; The feedback is analyzed to determine the effectiveness of travel services.).

As per claims 2 and 13, Zompa et al. discloses the method of claims 1 and 12, wherein said first set of travel information is received from a travel organizer (col. 2, lines 41-60; A travel center, or travel organizer, sends the "Travel Notification Message" to the specialized travel service providers if specialized travel services are needed.).

As per claim 3, Zompa et al. discloses the method of claim 2, wherein said analyzing further comprises: determining whether at least a portion of said feedback information should

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be provided to said travel organizer (col. 5, lines 47-49 and 55-60; The system decides to allow the travel organizer/service providers to obtain the feedback from a traveler.).

As per claim 5, Zompa et al. discloses the method of claim 1, wherein said automatically generating further comprises: determining a type of said at least one travel service provider and generating said feedback request based on said type (col. 5, lines 43-49; The travel service providers may send feedback requests relating to the specific type of services they provided to the traveler.).

As per claim 6, Zompa et al. discloses the method of claim 4, wherein said type is one of at least an airline, a car rental, a hotel, and a travel agency (col. 4, lines 13-16; The travel center is a travel agency.).

As per claims 7 and 15, Zompa et al. discloses the method of claims 1 and 12, wherein said analyzing further comprises: determining whether said feedback information includes a complaint (col. 4, lines 47-49; The feedback allows the travel center/service providers to determine the effectiveness of their travel services. Therefore, the feedback may include information that the services were not effective (i.e., a complaint) or that they were effective (i.e., praise).).

As per claim 11, Zompa et al. discloses the method of claim 1, wherein said analyzing further comprises: determining whether at least a portion of said feedback information should be provided to said at least one travel services provider (col. 5, lines 47-49 and 55-60; The system decides to allow the travel organizer/service providers to obtain the feedback from a traveler.).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 8, 9, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zompa et al. (U.S. 6,937,991) as applied above.

As per claim 4, Zompa et al. discloses the method of claim 1, as discussed above. Zompa et al. further discloses receiving and maintaining travel dates for the travel (col. 2, line 56) and sending feedback requests to travelers after they have completed their travel (col. 5, lines 39-49). Zompa et al. does not expressly disclose comparing a travel completion date from said first set of travel information to a current date. However, given that Zompa et al. has information about a traveler's travel dates and sends feedback to travelers after their travel is completed, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Zompa et al. to compare a travel completion date with a current date because that would have been an effective and efficient way to ensure that the feedback request is sent to a traveler after their travel.

As per claim 16, Zompa et al. discloses the computer-implemented method of claim 12 as disclosed above including receiving feedback from travelers via emails, surveys and questionnaires (col. 5, lines 43-47). Zompa et al. does not expressly disclose determining whether the feedback information received from the traveler includes a request for a response.

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However, it is old and well known in customer service and customer satisfaction surveys, questionnaires and emails for the customer to include a request for a response from the product/service provider. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Zompa et al. to allow travelers to request a response in their feedback since doing so would have been in accordance with standard customer service practice. Allowing travelers to request a response further enhances the usefulness of the customer service/satisfaction system by allowing travelers to receive feedback on their feedback, thus encouraging dialogue between the traveler and the travel service provider.

As per claims 8, 9, 14 and 17, Zompa et al. discloses the method of claims 7 and 16, as discussed above wherein surveys, questionnaires, emails are used to solicit customer service feedback from travelers about the travel services they received (col. 5, lines 43-47). However, Zompa et al. does not expressly disclose wherein said analyzing further comprises: determining whether said complaint requires a response from said at least one travel service provider and monitoring said complaint to determine whether a satisfactory response from said at least one travel service provider has been received; or determining whether a resolution is required. However, it is old and well known in the customer service industry to respond to a customer complaint in order to remedy a problem. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Zompa et al. to determine whether a complaint requires a response/resolution from a service provider and to monitor the complaint to determine whether a satisfactory response from the service provider has been received because doing so conforms to standard customer service practice to

ensure that a customer's problems are being addressed to the customer's satisfaction so that the customer will return for additional services, which is in accordance with a goal disclosed by Zompa et al. of travel service providers using the feedback received from travelers to improve their travel services (col. 5, lines 47-49).

Response to Arguments

7. Applicant's arguments are moot in view of the new grounds of rejections resulting from the amendments.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dashefsky et al. (U.S. 6,098,048) discusses an automated data collection for consumer surveys;
- Brinkerhoff (U.S. 6,963,848) discusses a system and method for obtaining consumer reviews based on calculating a date that the user has completed reviewing the product/receiving the service;
- "Results Are In – More than 60,000 Holiday Customer Service Votes Counted In PlanetFeedback's First Annual Holiday Report Card," *PR Newswire*, Jan 5, 2001 [retrieved from Dialog] discusses a website where consumers submit feedback on travel-related services;
- "Travelocity.com Take-Offs News Media Edition," *PR Newswire*, Oct 4, 2000 [retrieved from Dialog] discusses a travel web site where travelers can submit reviews on travel-related services;
- Ostrowski et al. "Service quality and customer loyalty in the commercial airline industry," *Journal of Travel Research*, Fall 1993 [retrieved from Dialog] discusses issues related to customer service and quality in the airline industry and provides evaluation questions for travelers related to the customer service and quality received; and

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- Archived version of www.planetfeedback.com, Aug 2000 [retrieved from Internet] shows features of a website that allows consumers to submit feedback on travel-related services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to:

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703-872-9306 [Official Communications; including After Final
communications labeled "Box AF"]

571-273-6727 [For status inquiries, draft communication, labeled
"Proposed" or "Draft"]

Hand delivered responses should be brought to:

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cmt

January 4, 2006



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